

To the Honorable Council City of Norfolk, Virginia

October 23, 2012

From:

Frank M. Duke, AICP, Planning Director

Subject: Special Exception for a Commercial Drive-Through at 1600

Monticello Avenue - Chick-fil-A

Reviewed: Anne F. Odell, AICP, Assistant City Manager

Ward/Superward: 4/7

Approved:

Marcus D. Jones, City Manager

Item Number:

R-11

1. Recommendation: Approval, considering compliance with Zoning Ordinance requirements and consistency with approved plans.

II. Applicant:

Chick-fil-A by Gregory Dodd

1600 Monticello Avenue

III. Description

This agenda item is to allow the construction and operation of a Commercial Drive-Through at 1600 Monticello Avenue.

IV. Analysis

- The site is located to the east of the Ghent Business District and adjacent to Downtown.
- The immediate area contains a mix of commercial, residential and industrial uses.
 - The site is currently vacant.
- The General Plan designates this site as Industrial/Transportation/Utility, making the proposed use consistent with the General Plan.
- The proposed General Plan, plaNorfolk2030, designates this site as Commercial.
- The site is located in an I-2 (Light Industrial) district which permits a Commercial Drive-Through by Special Exception.
- The applicant proposes to construct a 4,569 square foot restaurant with a drive-through facility.
- This new use is expected to generate approximately 2,655 new vehicle trips per day.
 - o The nature of such establishments is that about half or more of the vehicle trips will be "pass-by" trips meaning the vehicles are already on the roadway and enter/exit the site as part of an existing trip.
- This site, as depicted on the attached conceptual site plan, meets all Ordinance requirements for a restaurant with a Commercial Drive-Through.

- The proposed restaurant will have 144 seats.
 - o The proposed plan complies with the off-street parking requirements.
- The attached conditions ensure compliance with the *Zoning Ordinance* and *General Plan* requirements.

V. Financial Impact

The new restaurant will generate new City tax revenue, including sales and meals taxes.

VI. <u>Environmental</u>

- Compliance with stormwater and landscaping requirements will be reviewed through the Site Plan Review process.
- The building and layout of the site was approved through the Design Review process on September 27, 2012.

VII. Community Outreach/Notification

- Legal notice was posted on the property on July 17.
- Letters were mailed to the Civic League on August 3.
- Notice was sent to the civic leagues by the Department of Communications on August 7.
- Letters were mailed to all property owners within 300 feet of the property on August 8.
- Legal notification was placed in The Virginian-Pilot on August 9 and 16.
- The Planning Commission Public Hearing was held on September 27, 2012.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

- By a vote of 5 to 2, the Planning Commission recommended that the request for the Special Exception amendment be approved, subject to the conditions outlined in the attached ordinance.
 - The Commissioners in opposition do not believe the design and layout of the development are appropriate at this location.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development, Department of Public Works, the Department of Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinance
- Location Map
- Zoning Map
- Conceptual Plan
- Application
- Letters to the Civic Leagues and Business Association

Proponents and Opponents

Proponents

J. Gregory Dodd Horton and Dodd, P.C. 300 George Washington Highway North Chesapeake, VA 23323

Matthew Stellmaker 5200 Buffington Road Atlanta, GA 30349

Opponents

None

9/28/12 ts

Form and Correctness Approval:

Office of the City Attorney

NORFOLK, VIRGINIA

ORDINANCE No.

Pill

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVETHROUGH FACILITY ON PROPERTY LOCATED AT 1600 MONTICELLO AVENUE.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through facility on property located at 1600 Monticello Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property bounded on the west by Monticello Avenue, on the north by East 17th Street, on the east by Armistead Avenue, and on the south by East 16th Street; premises numbered 1600 Monticello Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The property shall be generally developed in accordance with the proposed site plan attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the design review and site plan review processes.
- (b) The facility shall maintain a current, active business license at all times while in operation.
- (c) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalks and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to

keep such areas free of litter and solid waste.

(d) A masonry wall, decorative fence, plantings or any combination thereof shall be installed along Monticello Avenue.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not

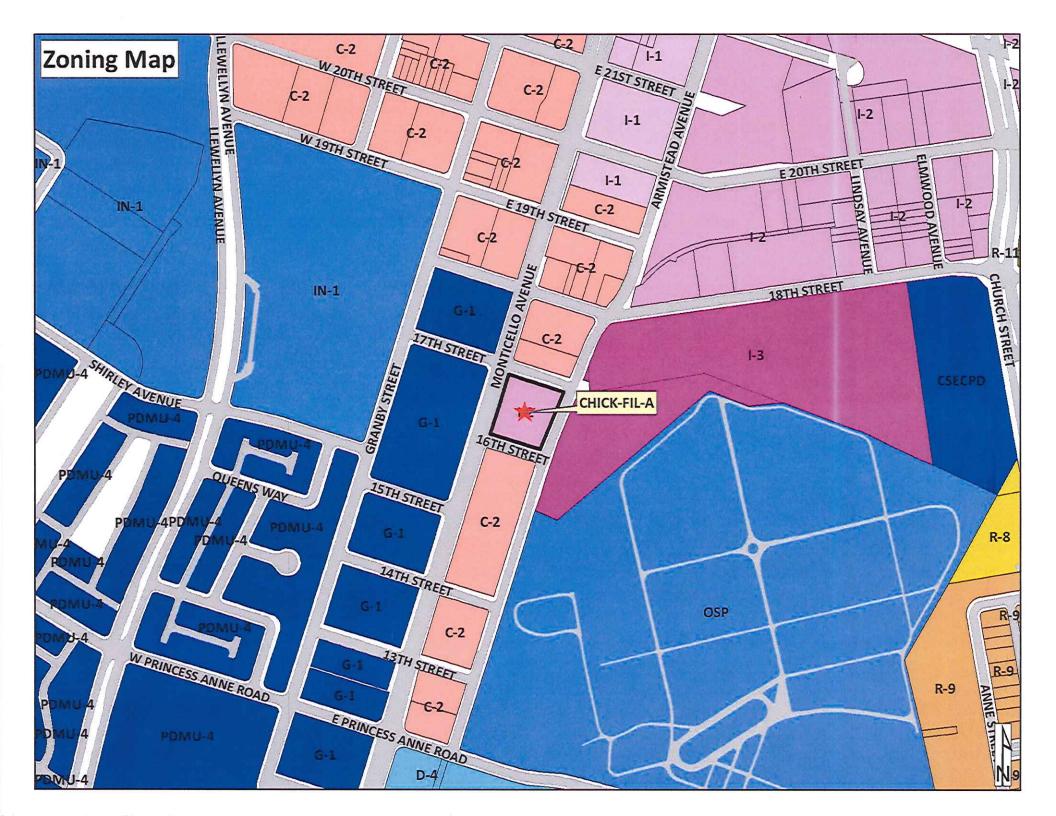
cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (1 page)









APPLICATION SPECIAL EXCEPTION

Special Exception for: Chick-fil-a Restaurant with Drive-thru					
	Date of application: 7-9-12				
DESCRIPTION OF	PROPERTY				
Property location:	(Street Number)	(Street Name) Bounded by Monticello Ave., E. 16			
Existing Use of Pro	operty Vacant	Armistead Ave., and E. 17th St.			
Current Building S	quare Footage <u>N/A</u>				
Proposed Use13	36 seat restaurant with dri	ive-thru pick-up window			
Proposed Square	Footage <u>4,939 sf</u>				
Proposed Hours o	f Operation:				
Weekday	From 6:30 a.m.	То 10:00 р.т			
Friday	From6:30 a.m.	To 10:00 p.m.			
Saturday	From 6:30 a.m.	То 10:00 р.т.			
Sunday	From CLOSED				
·	usiness (If applicable)				

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569

APPLICANT/ PROPERTY OWNER

1. Name of applica Greg	ant: (Last) ^{Dodd}	(MI) _ J. (First)
Mailing address of	applicant (Street/P.O. Box): <u>300</u>	George Washington Hwy., N.
(City) Chesapeake	(State) <u>VA</u>	(Zip Code)3323
Daytime telephone	number of applicant (757) $487-4$	535 Fax number (⁷⁵⁷) 487-9788
E-mail address of a	applicant: <u>gdodd@hdpc.net</u>	
2. Name of proper	ty owner: (Last)	(MI) (First)
Mailing address of	property owner (Street/P.O. box):
(City)	(State)	(Zip Code)
Daytime telephone	number of owner ()	Fax number()
CIVIC LEAGUE IN	FORMATION	
Civic League conta	ct:	
Date(s) contacted:		
Ward/Super Ward i	nformation:	
✓ 2 8½x14 co	265.00 made payable to: Norfolk pies of a survey or site plan drawing and proposed building structures.	vn to scale showing:
o Lands	.	e).

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 Application Special Exception Page 3

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I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:	11 Cans. Au	07,09,2012
Print	Sign	Date
(Property owner or authorize SIGNED: J. Gregory Dodd	zed agent signature)	7 / 9 / 2012
Print (Applicant signature)	Sign	Date

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569



Kevin Murphy President, Downtown Norfolk Civic League P.O. Box 3655 Norfolk, VA 23514

Dear Mr. Murphy,

The Planning Department has received an application for a Special Exception to allow for the operation of a Commercial Drive-Through on property located at 1600 Monticello Avenue. This item is tentatively scheduled for the August 23, 2012 City Planning Commission public hearing.

Summary

This application is to allow Chick-Fil-A Restaurant to construct and operate a Commercial Drive-Through.

If you would like additional information on the request, you may contact the applicant at (757) 487-4535 or you may telephone Bobby Tajan on my staff at (757) 664-4756. A copy of the complete application is enclosed.

Frank M. Duke, Alc

Sincere

Planning Director



Jean Lamkin President, Ghent Square Community Association 852 Mowbray Arch Norfolk, VA 23507

Dear Ms. Lamkin,

The Planning Department has received an application for a Special Exception to allow for the operation of a Commercial Drive-Through on property located at 1600 Monticello Avenue. This item is tentatively scheduled for the August 23, 2012 City Planning Commission public hearing.

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Sincerely,

Frank M. Duke, AICP Planning Director



Jack Plomgren President, Ghent Business Association 1611-B Colley Avenue Norfolk, VA 23517

Dear Mr. Plomgren,

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Sincerely,

Frank M. Duke, A

Planning Director



Paige Rose President, Ghent Neighborhood League P.O. Box 11431 Norfolk, VA 23517

Dear Ms. Rose,

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Sincerely,

Planning Director